

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT

JUN 14 2002

SHERIDAN, ROSS

WRITTEN OPINION

(PCT Rule 66)

To:	JOSEPH E. KOVARIK SHERIDAN ROSS P.C. 1560 BROADWAY SUITE 1200 DENVER CO 80202-5141
<p>Reviewed: 7/23/02</p> <p>Date: 7/23/02</p> <p>Initial: JRK</p> <p>Please return to Janice</p>	

Date of Mailing
(day/month/year)

10 JUN 2002

Applicant's or agent's file reference 4510-1-pct	REPLY DUE within TWO months from the above date of mailing	
International application No. PCT/US01/21205	International filing date (day/month/year) 02 JULY 2001	Priority date (day/month/year) 30 JUNE 2000
International Patent Classification (IPC) or both national classification and IPC IPC(7): A61B 17/56 and US Cl.: 606/61		
Applicant RITLAND, STEPHEN		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

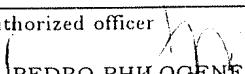
Also For an additional opportunity to submit amendments, see Rule 66.4.

For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.

For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 30 OCTOBER 2002

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer  PEDRO PHILOGENE Telephone No. (703) 308-2252
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I. Basis of the opinion

1. With regard to the **elements** of the international application: * the international application as originally filed the description:pages 1-16, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____ the claims:pages 17-19, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____ the drawings:pages 1-18, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____ the sequence listing part of the description:pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing: contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages none the claims, Nos. none the drawings, sheets/fig. none5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims 8-21	YES
	Claims 1-7	NO
Inventive Step (IS)	Claims 8-21	YES
	Claims 1-7	NO
Industrial Applicability (IA)	Claims 1-21	YES
	Claims NONE	NO

2. citations and explanations

Claims 1-7 lack novelty under PCT Article 33(2) as being anticipated by Mullane.

With respect to claims 1-7 Sitoto discloses a connector device adapted for use with an anchoring shaft, comprising a shank (FIG 1) having first and second ends; the first end having a securing mechanism (11), and the second end comprising a hollow core, and a central aperture (12) operatively associated with the hollow core, the hollow core sized for receiving an anchoring shaft head (20).

With respect to claims 2-7; Sitoto discloses all the limitations as best seen in the Figures.

Claims 8-21 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a surgical implant assembly and a method thereof, comprising a connecting link having a connecting end with an anchoring shaft cavity the connecting link secured to the connector device by an anchoring shaft nut on the distal end of the anchoring shaft.

----- NEW CITATIONS -----

NONE

WRITTEN OPINION

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.